

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:10cv62-MOC-DSC**

MONIQUE RUE,)	
)	
)	
Plaintiff,)	
Vs.)	ORDER ADOPTING
)	RECOMMENDATION
ALLY FINANCIAL, INC. and)	OF MAGISTRATE JUDGE
VACO CHARLOTTE, INC.,)	
)	
Defendants.)	
_____)	

THIS MATTER is before the court on review of a Memorandum and Recommendation by the Honorable David S. Cayer, United States Magistrate Judge, recommending that the court grant defendants’ motion for sanctions against plaintiff for plaintiff’s failure to comply with this court’s order dated August 9, 2011, requiring plaintiff to respond to defendants’ discovery requests and for failure to prosecute this action. The Magistrate has recommended dismissal with prejudice as a sanction. Plaintiff has not objected to the Memorandum and Recommendation, and the time to do so has passed.

FINDINGS AND CONCLUSIONS

I. Applicable Standard

The Federal Magistrate Act provides that “a district court shall make a *de novo*

determination of those portions of the report or specific proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1); *Camby v. Davis*, 718 F.2d 198, 200 (4th Cir. 1983). However, “when objections to strictly legal issues are raised and no factual issues are challenged, *de novo* review of the record may be dispensed with.” *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982). Similarly, *de novo* review is not required by the statute “when a party makes general or conclusory objections that do not direct the court to a specific error in the magistrate judge’s proposed findings and recommendations.” *Id.* Moreover, the statute does not on its face require any review at all of issues that are not the subject of an objection. *Thomas v. Arn*, 474 U.S. 140, 149 (1985); *Camby*, 718 F.2d at 200. Nonetheless, a district judge is responsible for the final determination and outcome of the case.

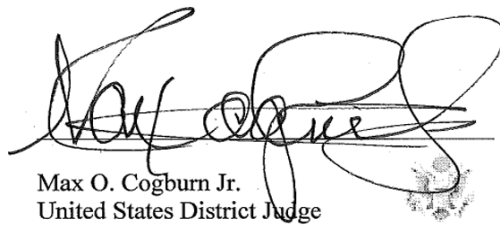
II. Discussion

After a careful review of the magistrate judge’s recommendation on the motion for sanctions, the court finds that the magistrate judge correctly determined that dismissal with prejudice is an appropriate sanction for plaintiff’s failure to comply with this court’s order dated August 9, 2011, requiring plaintiff to respond to defendants’ discovery requests and for failure to prosecute this action. Thus, the court will adopt the M&R of the magistrate judge as its own.

ORDER

IT IS, THEREFORE, ORDERED that the Memorandum and Recommendation (#38) is **ADOPTED** in its entirety.

Signed: October 6, 2011



Max O. Cogburn Jr.
United States District Judge